

PC SCAN

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS, EASTERN DIVISION

William D. Riley EL
Plaintiff,

) Case No. 15 CV 11180

FILED PJ

2/4/2019

VS

) Honorable Judge John Z. LEE

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Salvador Godínez, et. al.,
Defendants.

) Magistrate Judge Kim

PLAINTIFF'S EXPLANATION FOR REQUESTED SUBPOENA'S

Now comes Plaintiff, William D. Riley EL, pro se, in forma pauperis status, humbly requesting the Honorable Magistrate Judge Kim to issue an order granting the issuance of three (3) subpoenas duces tecum. In support thereof Plaintiff states the following:

1. Plaintiff, William D. Riley EL, is an inmate being held at Stateville Correctional Center, brought this pro se lawsuit pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights while in the custody of the Illinois Department of Corrections, against employees of IDOC.

2. Plaintiff acknowledge that the Court entered the following summary judgment briefing schedule; whereby defendants motion for summary judgment shall be due by January 25, 2019; Plaintiff response due by March 8, 2019; and defendants reply by March 29, 2019.

3. Plaintiff assents, with all due respect to the Court, plaintiff humbly request the Court to issue the subpoena's to the defendants in this litigation who have failed to disclose pertinent information that is vital to this litigation. Plaintiff contends, upon information and belief, that defendants have concealed material information by refusing to disclose the following;

4. The first subpoena; 1st request would command defendants to produce the "Post Descriptions" for all defendants within this litigation, present and retired employees of the Illinois Department of Corrections (IDOC). The post description, in this litigation establishes the basis of whether or not the defendants followed their own rules and regulations in their dealings with Mr. Riley EL. The post description states what shall be done by each defendant on there post. Plaintiff asserts that several defendants went above and beyond their post description to intentionally violate plaintiff's constitutional rights for filing grievances and lawsuits. The 2nd request in this subpoena would command the production of all the "Transfer packets" pertaining to the plaintiff in this litigation, which is in the custody and control of defendants. Plaintiff asserts that he was transferred on several occasions. Plaintiff asserts that he was transferred in retaliation for filing grievances and lawsuits as a campaign of harassment by defendants, and the transfer packet will show who authorized the transfer.

5. The second subpoena would command defendants to produce the information used at the Adjustment Committee (both times), for the November 7, 12, 2013 disciplinary report, and the June 15, 2014 disciplinary report for an in camera review by the Court, to first determine if the information exist, and second to compare the information from the first disciplinary report with the second disciplinary report, because, upon information and belief, defendants used the same so-called confidential source information from the first disciplinary report (November 7, 12, 2013) that was expunged in the second disciplinary report of June 15, 2014.

6. The third subpoena would request production of ESI (electronically stored information) from sources that are reasonably accessible from the District Court, pertaining to any and all injunctions or court orders in federal court, against all the defendants named in this litigation, in which harassment and retaliation was alleged against named defendants. The subpoena would ~~request~~ command the production of any and all memoranda, investigative files or other documents in response to such injunctions or court orders. This material information is pertinent to the point, that if it exist, it would show a pattern and practice of behavior conducted by defendants, to harass and retaliate against offender in their custody.

7. Plaintiff asserts that he is not trying to violate any rules, but he just became aware of the failure of defendants to disclose, otherwise conceal material information. Plaintiff read through thousands of pages of discovery, and the material requested in the subpoena's are not there. Plaintiff discovered in late December 2018, through early January 2019 of the undisclosed material and wrote to the Court seeking subpoenas to acquire this undisclosed material.

8. Plaintiff asserts that the information sought in the subpoena's which defendants failed to disclose, otherwise concealed, is both relevant and necessary to the material facts that are alleged in each claim of plaintiff's complaint.

WHEREFORE, Plaintiff prays that the Honorable Court issue an order granting the issuance of subpoena's to defendants to disclose material information that defendants failed to disclose initially in discovery, and grant any and all relief as the Court deems necessary and just.

2/5/19

Respectfully submitted,
[All Rights Reserved, Without prejudice
UCC 1-308/1-207]
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IN THE
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS, EASTERN DIVISION

William D. Riley et al B03069
Plaintiff/Petitioner

Vs.

Salvador GADINEZ et al,
Defendant/Respondent

No. 15CV11180

Honorable Judge John Z. LEE
Magistrate Judge Kim

PROOF/CERTIFICATE OF SERVICE

TO: "District Court Clerk"
PRISONER CORRESPONDENCE
219 S. Dearborn St.
Chicago, Illinois 60604

TO: COLLEEN M. SHANNON - AAG
100 W. RANDOLPH ST., 13TH Floor
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on February 5, 20 19, I placed the attached or enclosed documents ~~in the institutional mail~~ sent to the law clerk at Stateville Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service filing with the District Court.

DATED: 2/5/19

Full Rights Reserved, without prejudice, UCCF-309(i-2017)
Is/ William D. Riley et al
Name: William D. Riley et al
IDOC #: B03069 SM-C-C-
Address: P.O. Box 112
Joliet, Illinois 60434-1112

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public